

MILPITAS PLANNING COMMISSION AGENDA REPORT

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Category: Public Hearings Report prepared by: Annelise Ju			
Public Hearing: Yes:	√ No:		
Notices Mailed On:	Published On: 4-10-03 Posted On: 4-11-03		
TITLE:	HILLSIDE SITE & ARCHITECTURAL REVIEW- AMENDMENT P-SA2003-19		
Proposal:	Request to revise previously approved plans for not-yet-constructed hillside residence, deleting the previously approved basement with skylights, and adding a patio cover		
Location:	517 Vista Ridge Drive (APN 42-30-009)		
RECOMMENDATION:	Recommend approval with conditions to the City Council		
Applicant:	Kevin Chiang, Architect, 204 Francisco Lane, Fremont, CA 94539		
Property Owner:	Yih-Ing Wang and Shi-Ping Fan, 784 Strickroth Dr., Milpitas, CA 95035		
Previous Action(s):	Hillside site & architectural review, plus time extension		
Environmental Info:	Exempt, per Class 3 Categorical Exemption (New Construction or Conversion of Small Structures)		
General Plan Designation:	Single-Family Hillside Low		
Present Zoning:	Single-Family Hillside ("R1-H")		
Existing Land Use:	Vacant lot for single-family construction		
Agenda Sent To:	Applicant & Owner		
Attachments:	Plans, Letter from Applicant (dated 2-23-03), previously approved special conditions		

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BACKGROUND

At its November 6, 2000, meeting, the Milpitas City Council approved a Hillside Site & Architectural review application for a two-story, 5,973-square-foot single-family residence to be built at 517 Vista Ridge Drive (Spring Valley Heights subdivision). The Council approved a time extension request on July 2, 2002. The proposal included a 1,632-square-foot basement containing a swimming pool, hot tub, bathroom, closet and staircases. The approved plans indicated that the basement would feature at-grade skylights along the south elevation of the house.

The house has not yet been built, and the applicant is now proposing to revise the previously approved plans by deleting the basement with its skylight feature, and instead building a patio cover along the south side of the residence.

Site Description

The subject site is a 1.5-acre parcel within the Spring Valley Heights subdivision. This subdivision is located east of the Hillside crestline and is zoned R1-H (Single-Family Residential in the Hillside). Spring Valley Heights contains 26 lots, plus an open space parcel, and is about 70% built out. The subject parcel (lot 8) lies south of Vista Ridge Drive and east of an existing private road.

THE APPLICATION

Pursuant to Milpitas Zoning Ordinance Section 45.09 ("H" Hillside Combining District, Site and Architectural Approval), the applicant is requesting approval to revise the previously approved site and architectural plans for the single-family residence.

PROJECT DESCRIPTION

The applicant proposes to delete the previously approved basement—with its swimming pool, hot tub, bathroom, closet and skylights—and to instead add a 410-square-foot at-grade patio cover at the south side of the residence. The applicant proposes to install an endless pool within the covered patio.

The patio cover would feature a sloped glass roof, two glass walls and one screen wall with sliding screen doors. The two-story residence would remain as previously approved, with some minor interior modifications that do not result in significant exterior visual changes: a sauna would be added within the garage and accessed via the adjacent covered patio, and a shower stall would be added to the previously approved bathroom located adjacent to the covered patio.

ISSUES

Conformance with the General Plan and Zoning Ordinance

The proposed project complies with the City's General Plan in terms of land use; it comprises a residential patio as part of a single-family residence in a single-family residential Hillside district. The project also complies with the City's Zoning Ordinance development standards for patio covers, as described on the next page:



Required Development Standard	Proposed Project	Complies?
Patio cover height: One story, at 12 feet maximum.	12 feet (one story).	Yes
Setbacks for patio cover: Minimum 3 feet to side and rear property lines.	Side setbacks: 72 feet and 145 feet. Rear setback: 135 feet.	Yes
Patio cover must be open on one or more sides; open sides may be covered with insect screening or plastic, but may not obstruct with the free passage of light or air.	Proposed patio cover would have two glass walls, and one screened wall (at the west elevation). The fourth side would be adjacent to the residence.	Yes
Patio cover to be used for recreational, outdoor living purposes only.	Proposed to cover an endless pool, recreational purposes.	Yes
Impervious surface coverage: 8,000 square feet maximum allowed for site.	7,926 square feet overall proposed, including patio cover	Yes

Site and Architectural Review

The City's Hillside ordinance lists the following guidelines for consideration in the review process. The proposed patio cover complies with the guidelines, as follows:

1. Avoid Unreasonable Interference with Views and Privacy. The height, elevations and placement on the site of the proposed main or accessory structure, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.

The patio cover is a small, single-story structure that will be attached to the rear of the main two-story residence. Homes are widely spaced apart in this subdivision (the closest one, lot 9, is 130 feet away from the patio cover), and the existing topography affords numerous large view corridors. For these reasons the patio cover will not interfere with views or privacy of the neighboring residences.

2. Preserve Natural Landscape. The natural landscape will be preserved insofar as practicable by designing structures to follow the natural contours of the site and minimizing tree and soil removal.

Deletion of the basement will reduce the amount of grading (cut) for the project. The patio cover involves a very small square footage of land area on a flat portion of the parcel. No significant additional grading will be required to accommodate the patio cover.

3. Minimize Perception of Excessive Bulk. The design of the proposed main and/or accessory structure(s) in relation to the immediate neighborhood should minimize the perception of excessive bulk.

The patio cover is a small, single-story structure proposed at the immediate rear of a new two-story residence. Also, the patio cover would consist of glass and screen walls that allow for the free passage of light and air. Because of its small size, its location





immediately behind the house, and its clear glass and screen composition, the patio cover will not create an impression of excessive bulk.

4. Impairment of Light and Air. The proposed main or accessory structure(s) shall not unreasonably impair the light and air of adjacent properties nor unreasonably impair the ability of adjacent properties to utilize solar energy.

As stated above, the patio cover would be of a small size, of glass and screen construction, and located immediately behind the main house. Also, since it will be situated 130 feet away from the nearest neighboring residence (on lot 9), it will not impair light and access to other properties, nor interfere with solar access.

5. Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.

Grading associated with the patio cover will be minimal, because this portion of the building site is relatively flat.

Previously Approved Special Conditions

Staff recommends that the previously approved conditions be retained, with the following changes: (1) that Condition No. 1 be revised to reflect the new project description; and (2) that Condition No. 2 be revised to reflect the maximum impervious surface coverage of 7,926 square feet (which is an increase of 6 square feet above the original approval, but still within the maximum allowed) and to provide the maximum height allowed for the patio cover (12 feet).

Water Purveyance

This residential subdivision is on a well system under its own water purveyor, the Spring Valley Heights Mutual Water Company. The Water Company has provided a will-serve letter covering this lot. However, due to concerns regarding long-term water availability, the building permit for this residence will be the last one issued by the City for a new home in this subdivision until a permanent, reliable water source is secured for the subdivision.

Environmental Review

The project is exempt from environmental review under CEQA (California Environmental Quality Act), per Class 3 (sec. 15303), "New Construction or Conversion of Small Structures."

RECOMMENDATION

Close the Public Hearing. Recommend approval to the City Council with the Findings and Special Conditions listed below:

FINDINGS

1. The patio cover will not unreasonably interfere with views or privacy of other homes, because it is a small, single-story structure attached immediately behind the residence, and there are large distances between the existing homes, and the topography affords numerous view corridors.

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- 2. The patio cover will help preserve the natural landscape because only minimal grading will be required to accommodate it, and deletion of the previously approved basement will reduce the amount of cut grading required for the project.
- 3. The patio cover will minimize the perception of excessive bulk, and it will not unreasonably impair the light and air of adjacent properties nor unreasonably impair the ability of adjacent properties to utilize solar energy because it is a small, single-story structure proposed at the immediate rear of a new two-story residence, and it would consist of glass and screen walls that allow for the free passage of light and air.
- 4. The patio cover will require only minimum grading, as the construction site is relatively flat.
- 5. The project is categorically exempt from further environmental review pursuant to Class 3, Section 15303 ("New Construction or Conversion of Small Structures") of the California Environmental Quality Act (CEQA) Guidelines, because it comprises a 410-square-foot patio cover, to be built in conjunction with a previously approved single-family residence.

SPECIAL CONDITIONS

- 1. This Hillside Site & Architectural approval is for construction of a 5,973 square-foot, single-family residence with an attached 1,126 square-foot garage and an attached 410-square-foot patio cover, as shown on the approved plans dated April 23, 2003, and as amended by the approved special conditions. (P) [condition revised to reflect revised project description]
- 2. The building height shall not exceed 27 feet for the residence, and 12 feet for the patio cover. Impervious surface area shall not exceed 7,926 square feet. (P) [condition revised to reflect slightly higher impervious surface coverage, and to give maximum height allowed for patio cover]
- 3. Change all references of abandoned well to existing well. (P) [previously approved condition]
- 4. Provisions of the City Council Resolution No. 6066 regarding Hillside landscaping shall apply to this project. (P) [previously approved condition]
- 5. Prior to issuance of Building Permit, the applicant shall submit revised project plans for review by the Planning Division illustrating:
 - Driveway representation on the plot plan and landscaping plan, as approved by the City of Milpitas Fire Department.
 - Replace the chain link fence on south and east property lines with wrought iron or similar material which would be harmonious to the hillside area. [previously approved condition]
- 6. Prior to issuance of Building Permit, the applicant shall provide a will-serve letter from the Spring valley Heights Water District indicating water purveyance to this project. (P) [previously approved condition]
- 7. All required landscaping, including the grass pavers in the driveway, shall be continuously maintained and replaced as necessary to provide a permanent, attractive and effective appearance. (P) [previously approved condition]





- 8. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping and signs, as determined by sight distance, shall not exceed 2 feet when measured from street elevation.

 (P) [previously approved condition]
- 9. At the time of building permit plan check submittal, the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer, and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to any building permit issuance. (E) [previously approved condition]
- 10. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements.
 (E) [previously approved condition]
- (P) = Planning Division (408) 586-3273

NOTES TO THE APPLICANT

The following notes pertain to administration of the City codes and ordinances which are not part of the Zoning Ordinance regulations. The applicant shall not consider these notes as approval from any Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process if approval is granted.

<u>Building Division</u> (For further information regarding these notes, contact Veronica Valenti, 586-3241)

- Applicable codes: 2001 CBC, CPC, CMC, CEC, California Energy Code, CFC and 2002 Milpitas Municipal Code.
- b. Obtain permits from Health Department prior to applying for a Building permit.
- c. Minimum roof class "B" is required at hillside construction per 2002 Milpitas Municipal Code, Title II-3-2.08.
- d. Wood structural members exposed to weather shall be pressure treated or redwood 2001 CBC, section 2306.12.
- e. In enclosed private garage, ventilation shall comply with 2002 Milpitas Municipal Code section II-3-2.04.
- f. All structures located in the hillside area must be prepared and designed by Civil, Structural Engineer or Architect licensed in the State of California as per 2002 Milpitas Municipal Code section II-3-2.10.
- g. All structures and their elements located in the hillside area shall be designed to withstand basic wind load of 80 mph at exposure "C" and shall conform to requirements of Appendix Chapter 23 as per 2002 MMC, section II-3-2.10.
- h. A soil report shall be provided when applying for grading, site improvement and building permit.

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- i. Paving shall comply with the Municipal Code section II-13-18. All non-structural flat concrete work shall be per 2002 Milpitas Municipal Code sections II-13-17.05.
- j. Grading and erosion control plan shall be submitted when applying for grading permit per Municipal Code II-13-10.01 and shall be prepared by a licensed Civil Engineer.
- k. All downspouts shall be connected to an enclosed storm drainage system, or an alternate method to be approved by the City of Milpitas Building Division and discharge to an approved drainage system.
- 1. The developer shall include interim erosion control provisions and schedules in the construction plans for areas, which will not have permanent erosion control features installed (such as landscaping) prior to any occupancy so that erosion and sediment control can be sustained through the rainy season. 2001 Milpitas Municipal Code section II-13-11.

Fire Department (For further information regarding these notes, contact Jaime Garcia, 586-3369)

- a. Please do not consider this as approval from the Fire Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process.
- b. The 2001 triennial edition of the California Code of Regulations, Title 24 (California Building Standards Code) applies to all occupancies that applied for a building permit on or after November 1, 2002.
- c. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction. Section 901.3. CFC (California Fire Code)
- d. Combustible construction shall not begin until fire apparatus access roads are installed and water mains and hydrants are operational. Section 901.3, CFC
- e. Spring Valley Heights Water Supply Requirements by Milpitas Fire Department. One (1) 5,000-gallon water tank shall be provided on site. The Milpitas Fire Department shall approve the tank location. Please contact the Fire Department (Jaime Garcia at 408-586-3369) for complete requirements associated with the water tank.
- f. Privately owned and maintained access from the public road to each single-family dwelling shall be a minimum of fourteen (14) feet in width. Turning radius shall be designed to meet the Fire Department's requirements. XI-10-45.11-1, Milpitas Municipal Code
- g. Turnout space shall be provided on driveways over one hundred fifty (150) feet in length with a maximum spacing of one hundred fifty (150) feet if driveway is less than eighteen (18) feet wide. XI-10-45.11-2, Milpitas Municipal Code
- h. Turnaround. All dwelling units shall provide an on-site area for vehicles to turn around if served by a driveway over one hundred fifty (150) feet in length to meet Fire Department's requirements. XI-10-45.11-3, Milpitas Municipal Code
- i. Vertical Clearance. All privately owned and maintained roads and drives shall assure a minimum fourteen (14) foot vertical clearance. XI-10-45.11-4, Milpitas Municipal Code





- j. Fire apparatus access roads shall be provided for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building. Section 902.2.1, CFC
- k. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all weather driving capabilities. CFC Section 902.2.2.2
- 1. Turning radius for fire apparatus access roads shall be reviewed and approved by the Fire Dept. Contact the Fire Department for guidelines and details. Section 902.2.2.3, CFC
- m. The gradient for a fire apparatus access road shall not exceed 17%, the maximum approved by the Fire Chief. Section 902.2.2.6, CFC
- n. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. The minimum required widths and clearances shall be maintained at all times. CFC Section 902.2.4.1
- o. When a gate is proposed at driveway entrance, provide a KNOX lock on chain for Fire Department use. Contact Fire Department at (408) 586-3365 for application. Section 902.4, CFC (California Fire Code)
- p. The location, number and type of fire hydrant connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on site or both as required and approved by the Fire Department. Section 903.4.2, CFC
- q. Fire Safety during construction, alteration or demolition shall be in conformance with the California Fire Code, Section 8704.
- r. Provide a telephone prior to construction. Section 8704.16, CFC
- s. Provide adequate clearance of brush and vegetative growth. Provide erosion control. Appendix II-A, Section 16.3, CFC, as amended by Milpitas Municipal Code V-300-2.01
- t. Any dwelling located more than 500 feet from a hydrant is considered to be without adequate piped water supply for fire protection. Such dwelling must be supplied with a gravity or pressurized water supply system with a 2 ½" standard fire connection that will deliver a minimum of 200 gallons per minute for 20 minutes. Appendix II-A, Section 25, CFC as amended by Milpitas Municipal Code V-300-2.01
- u. This home is designated to be in Hazardous Fire Area. All occupancies constructed hereafter in hillside area designated as Hazardous Fire Area, shall have installed an automatic fire sprinkler system meeting the minimum Life-Safety requirements for dwellings as specified in National Fire Protection Association Code and Standards. Appendix II-A, Section 26, CFC as amended by Milpitas Municipal Code V-300-2.01
- v. Provide approved smoke alarms in accordance with the California Building Code, Section 310.9.
- w. Provide approved spark arresters for all chimneys. California Building Code, Section 310.9.1.6, as amended by Milpitas Municipal Code II-3-2.01





- x. Complete plans and specifications for all aspects of Fire-Protection systems shall be submitted to the Fire Department for review and approval prior to system installation. Section 901.2.2 & 1001.3, CFC
- y. No final inspection shall be deemed completed and no certificate of occupancy shall be issued unless and until the requirements imposed by the Fire Code have been completed and final approval thereof, by the Fire Department, has been given and all inspection fees paid. Section 105.4, CFC, as amended by Milpitas Municipal Code V-300-2.01.



KCA ssociates Kevin Chiang • Architect AIA

Architecture • Engineering • Construction management

To: Planning Department City of Milpitas

Re: Submittal for Single Family Residence APN# 042-30-008

517 Vista Ridge Drive, Approval #(P-TE2002-1)

Date: 2/23/03

Dear Sir:

This application is due to a design change on originally approved project and resubmittal for a two-story single family house on hill site without basement. Property owner decides to cut budget back and can save minimum \$650,000 by eliminating the whole 1,632 SF basement, which originally accommodates both whirl pool and swimming pool and accessory equipments.

The original stairs well and exposed skylights to basement along south side are thus eliminated. A new, smaller 410 SF "endless pool" is added and attached to the existing garage on ground. The **new impervious area is 7,926 SF total** and is still within the allowed 8,000 SF limit.

The building elevations, along with color and material, remain the same as previously approved except for southern side where the endless pool is located. Minor interior layout is adjusted to meet this change. The covered glass on endless pool is for purpose of solar energy and wind protection. Vertical sun shades will be provided around the endless pool for privacy and sun control. The frame of the glass enclosure will be **white color** to match with the windows of main buildings. A rendering color board is hereforth attached with this submittal for your review.

Not only can save a lot of water consumption, this design change will also make the construction work much easier in terms of main building structure and underground utility line and drain system. Landscape, Septic Leach Area will remain intact except for minor drain adjustment on south side. The subsequent engineering plan revision on grading and drain, electrical, mechanical and plumbing will be submitted later for Building Permit Application once public hearing being approved. A set of this same submittal is also delivered to Home Owner Association of Spring Heights for their review and record.

We deem this design change of reducing square footage by eliminating basement floor is very positive and constructive in consideration of environmental impact and financial reality. This re-submittal will favorably fit the interests of all involving parties.

Your consensus on this design adjustment will be greatly appreciated. Thank you for your understanding and assistance!

Levin Chiang AIA
Project Architect



APPROVED SPECIAL CONDITIONS

Hillside Site and Architectural Review: Construction of a 5,937 square foot family residence with garage and swimming pool at 517 Vista Ridge Drive, Lot 8 of Spring Valley Heights

City Council Approval: November 6, 2000

SPECIAL CONDITIONS

- 1. This Site and Architectural Approval is for the construction of a 5,973 square foot single family residence with an attached 1,126 square foot garage and a 1,632 square foot basement with swimming pool, in conformance with the approved plans dated October 11, 2000. (P)
- 2. The building height shall not exceed 27 feet for the residence and impervious surface area shall not exceed 7,920 square feet. (P)
- 3. Change all references of abandoned well to existing well. (P)
- 4. Provisions of the City Council Resolution No. 6066 regarding Hillside landscaping shall apply to this project. (P)
- 5. Prior to issuance of Building Permit, the applicant shall submit revised project plans for review by the Planning Division illustrating:
 - Driveway representation on the plot plan and landscaping plan, as approved by the City of Milpitas Fire Department
 - Replace the chain link fence on south and east property lines either wrought iron or similar material which would be harmonious to the hillside area;
- 6. Prior to issuance of Building Permit, the applicant shall provide a Will-Serve letter from the Spring Valley Heights Water District indicating water purveyance to this project. (P)
- 7. All required landscaping, including the grass pavers in the driveway, shall be continuously maintained and replaced as necessary to provide a permanent, attractive and effective appearance.
- 8. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)
- 9. At the time of building permit plan check submittal, the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to any building permit issuance. (E)
- 10. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements. (E)
- (P) = Planning Division; (E) = Engineering Division









